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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/593,382 | 03/14/2007 | Kenneth Powell | NV2-020US | 8889 |
| 959 | 7590 | 08/17/2009 | | |
| LAHIVE & COCKFIELD, LLP FLOOR 30, SUITE 3000 ONE POST OFFICE SQUARE BOSTON, MA 02109 | | | EXAMINER | |
| | | | PIHONAK, SARAH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1617 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
| 10593382 | 3/14/2007 | POWELL ET AL. | NV2-020US |
| EXAMINER | | | |
| SARAH PIHONAK | | | |
| ART UNIT | PAPER | | |
| 1617 | 20090812 | | |

DATE MAILED:

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Commissioner for Patents

The reply filed on 6/18/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In the office action dated 4/28/2009, an election of species requirement was made for (a) an inhibitor of the RSV fusion protein and (b) a benzodiazepine derivative capable of inhibiting RSV replication. In the response filed on 6/18/2009, the Applicants elected an inhibitor of the RSV fusion protein as a compound of formula (I), with R1, R2, and R3=H. However, the instant claims do not include H as a selection for these functional groups. Additionally, the Applicants have elected the functional group R7 of formula (I) as being butyl alcohol. However, alcohols are not included in the instant claim 23 as a possible selection for this substituent.

Regarding the benzodiazepine derivative (b), the Applicants elected a compound of formula (V) with R1=aryl, A1=aryl, and A2=aryl. However, in the species requirement, the Applicants were requested to elect a single compound. The term "aryl" denotes a genus and encompasses more than one compound.

Applicant is reminded that a species election is directed to a single compound each of (a) an inhibitor of the RSV fusion protein and (b) a benzodiazepine derivative capable of inhibiting RSV replication. Applicants are also reminded to elect species that are within the scope of the instant claims.

Since the above-mentioned reply appears to be bona-fide, applicant is given ONE (1) MONTH of THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/SREENI PADMANABHAN/
Supervisory Patent Examiner, Art Unit 1617

/S. P./
Examiner, Art Unit 1617